SINGLE BENCH

CF:1002 (1) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

WRIT PETITION No. 4284 /2006

PETITIONER — Gulpat Rai aged about 65 years, S/o Laharu R/o Mukampur, Gram Panchayat, Hasod Tahsil Jaijaipur, Distt. Janjgir Champa (C.G.)

P.R. No. 4349/06
Presented by Shri Pankaj Tiwari
Dated 8/12/06

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through Secretary, Panchayat and Rural Department, D.K. S Bhawan , Raipur

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Balkhar
CLERK to A. G. BILASPUR
8.8.06

2. Sub Divisional Officer (Revenue), *Sakti Distt. Janjgir Champa*

3. Narsingh Sinha aged about 31 *years, S/o Nandram Sinha, R/o* Village Hasod Tahsil Jaijaipur Janjgir Champa

Distt.

4. *Churamani Sahu aged about 28* years, S/o Sagarmal Sahu, R/o village Hasod Tahsil Jaijaipur, *Janjgir Champa*

Distt.

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

47

मामला क्रमांक ...W.P.4284/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14-8-2006

Mr. Parag Kotecha, counsel for the petitioner.

Mr. N.K. Agrawal, Deputy Advocate General for the State/respondents No.1 & 2, on advance copy.

Mr. Vinay Pandey, counsel for the caveator/respondent No.3.

Heard, on admission.

By the instant writ petition under Articles 226 & 227 of the Constitution of India, the petitioner has challenged the order dated 24-7-2006 (Annexure P-6) passed by respondent No.2, whereby the petitioner has been removed from the post of Sarpanch under Section 40 (1) of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 on the ground that he has encroached upon the Government land.

The order of the S.D.O. respondent No.2 is appealable under Rule 3 of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 and the appeal lies before the Collector. Therefore, there is efficacious remedy available to the petitioner, as statutory appeal is provided against the order of the S.D.O. In the circumstances, the petitioner to file appeal before the Collector, if so advised. The time taken by the petitioner in filing this writ petition till its disposal shall be condoned for the purpose of limitation, if the petitioner prefers an appeal before the Collector.

The writ petition is not maintainable, same is liable to be dismissed and it is accordingly, dismissed, in limine.

Consequently, M.(W.)P.No.3323/2006 and I.A.No.7840/2006 stand disposed of.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.